

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MELISSA BARGE,

Plaintiff,

v.

MARC HORWITZ, et al.,

Defendants.

Case No. [21-cv-02558-HSG](#)

**ORDER DIRECTING SERVICE AND
DISMISSING DEFENDANTS UNDER
FRCP 4(M)**

Plaintiff Melissa Barge filed her complaint in April 2021, and was granted leave to proceed in forma pauperis. Dkt. Nos. 1, 8. In December 2021, the Court adopted Magistrate Judge Spero's Report and Recommendation to dismiss some of Plaintiff's claims, and ordered service of Plaintiff's First Amended Complaint. Dkt. No. 16. Over the course of multiple months, Plaintiff was directed on three separate occasions to provide addresses at which each Defendant can be served. *See* Dkt. No. 17 (order issued on March 10, 2022 directing Plaintiff to provide Defendants' addresses), Dkt. No. 18 (order to show cause why the case should not be dismissed for a failure to prosecute and directing Plaintiff to provide Defendants' addresses issued on April 11, 2022), Dkt. No. 20 (order issued on June 27, 2022 directing Plaintiff to provide Defendants' addresses). Despite this, Plaintiff has only provided an address for one Defendant, Ken Bett's Towing.

In June 2022, the Court advised Plaintiff that if she did not provided addresses at which the remaining Defendants could be served, her claims would be dismissed under Federal Rule of Civil Procedure 4(m) for failure to effect timely service. Dkt. No. 20. The deadline set by the Court has passed without a submission by Plaintiff. The Court therefore **DISMISSES WITHOUT PREJUDICE** Plaintiff's claims against Marc Horwitz, the Alameda Police Department, and the


City of Alameda under Federal Rule of Civil Procedure 4(m).

The Court also **ORDERS** the U.S. Marshals Service to serve the First Amended Complaint, Dkt. No. 9, on Defendant Ken Bett's Towing at the address provided by Plaintiff, Dkt. No. 19:

Ken Bett's Towing
Karela Betts
770 Wesley Wy
Oakland, CA 94610

IT IS SO ORDERED.

Dated: 7/19/2022


HAYWOOD S. GILLIAM, JR.
United States District Judge

United States District Court
Northern District of California